IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.115 OF 2005
WITH
CRIMINAL APPLICATION NO.4288 OF 2005

Jamir Md. Khaja Hannure and ors.
..Applicants.

Vs.

Shorom Banu Jamir Hannure and ors.

..Respondents.

Mr. I.M. Khairdi for the Applicants.

Mr. Sachin Punde holding for Rajeev Patil for the Respondent No.1.

Mr. S.R.Shinde, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 03/3/2006.

P.C.

1. This revision application impugns an order dated 22.2.2005 passed by the Sessions Judge, Alibag, at Raigad setting aside an order dated 3.12.2004 passed by the J.M.F.C. Shriwardhan. By order dated 31.12.200, J.M.F.C. Shriwardhan has directed that the complaint be returned to the complainant to file the same before the competent court as he has no jurisdiction to entertain the complaint. This order was set aside by the Revisional Court on the footing

that there was no provision for return of the complaint. On this aspect law is clear as there exist Section 201 of the Cr.P.C. which permits dismissal of the complaint. However, I have seen the original complaint. In my view J.M.F.C. Shriwardhan has jurisdiction to entertain the complaint as there was allegation in the complaint that while complainant was residing at her parents place within the jurisdiction of the J.M.F.C. Shriwardhan, telephone calls were made by her father and during the course of the conversation accused demanded an amount of Rs.2/- lacs for getting his service confirmed and also demanded an amount of Rs.50,000/- for purchase of motorcycle. He informed the father of his wife that only on payment of such amount he will maintain his wife and that if she was forcibly brought back then he will kill her by burning her. As regards this aspect of the matter, Magistrate having noticed such threats were made to the wife, disbelieved this aspect of the matter on the basis of the verification statement where the wife had stated that it was the accused who had called her house. In my view contradictions in the complaint and the verification have to be brought on record and in the present case even if it is brought on record, it is very difficult to hold that it is a

material contradiction. Suffice to say that threats of dowry were given during the telephone conversation between the accused and the father of the complainant and this fact has been mentioned in the complaint and the verification statement. In this view of the matter, I am not inclined to entertain the revision application. Hence, application is dismissed.

CRIMINAL APPLICATION NO.4288 OF 2005

1. This is an application for transfer of the case which has been filed by the wife in the court of J.M.F.C. Shriwardhan to the court of J.M.F.C. Barshi, Dist.Solapur or J.M.F.C. Mahad. Only ground raised in the application is that the applicant is apprehending threats to his life and that the Magistrate is insisting for personal appearance. With liberty to file application for exemption, the application is dismissed. If the say of the applicant is filed to the wife's main application, the same should be taken on record.

(R. S. MOHITE, J.)